

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nya Williams	Team: Team # 8	CCRB Case #: 200101863	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/02/2001 4:45 PM	Location of Incident: § 87(2)(b)	Precinct: 77	18 Mo. SOL 9/2/2002	EO SOL 9/2/2002	
Date/Time CV Reported Thu, 03/15/2001 12:00 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 03/15/2001 12:00 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Witness(es)</b>	<b>Home Address</b>				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Darryl Chen	29402	903608	077 PCT		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. POM Patrick Brown	12577	920053	077 PCT		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.POM Darryl Chen	Discourtesy: PO Darryl Chen spoke obscenely to § 87(2)(b)				
B.POM Darryl Chen	Abuse: PO Darryl Chen searched § 87(2)(b)				

## Synopsis

On 3-2-01 PO Darryl Chen arrested § 87(2)(b) in front of § 87(2)(b) § 87(2)(b) alleged that during his arrest PO Chen spoke rudely to him. He also stated that PO Chen unzipped his pants and grabbed his genitals. § 87(2)(g)

§ 87(2)(g)

## Summary of Complaint

§ 87(2)(b) is a § 87(2)(b) black male § 87(2)(b) § 87(2)(b) was interviewed at the CCRB on 3-16-01 (Enclosures 4A-4C). § 87(2)(b) stated that on 3-2-01, he and two friends, § 87(2)(b) and § 87(2)(b) traveled to a hair salon on § 87(2)(b) to give an associate named “§ 87(2)(b) sixty dollars. After leaving the salon, the trio entered a bodega on the corner of § 87(2)(b) and § 87(2)(b). Upon exiting the bodega a green Chevy approached § 87(2)(b) and his friends. Four officers were inside of the vehicle but only two exited the car. § 87(2)(b) recognized PO Chen as a police officer from the neighborhood and from previous arrests. PO Chen approached § 87(2)(b) and told him to place his hands behind his head. § 87(2)(b) unzipped his jacket and opened it to show that he had no weapons. PO Chen told § 87(2)(b) to, “Shut the fuck up”, placed him in handcuffs, and instructed § 87(2)(b) § 87(2)(b) and § 87(2)(b) to move out of the way (Allegation A). § 87(2)(b) s friends moved approximately two feet away from him. PO Chen frisked § 87(2)(b) s waist, unzipped his pants and placed a hand inside, checked § 87(2)(b) s genital area atop his boxers, and grabbed § 87(2)(b) s testicles (Allegation B). When § 87(2)(b) protested being touched in this manner, PO Chen responded, “Turn around and be the fuck quiet” (Allegation A). PO Chen placed § 87(2)(b) in the green Chevy and shouted, “I got him” out of the car window to onlookers. § 87(2)(b) stated that PO Brown is PO Chen’s regular partner and was also present. § 87(2)(b) stated that he recognized PO Brown as one of several officers who patrolled the neighborhood.

## Results of Investigation

### Witness Statements

§ 87(2)(b) was interviewed at the CCRB on 3-16-01 (Enclosures 5A-5C). § 87(2)(b) stated that on 3-2-01 at approximately 4:45 p.m., he walked down § 87(2)(b) accompanied by § 87(2)(b) and another unidentified male. A green Chevy double parked on the same side of the street where the trio walked, and two officers exited the vehicle. Two officers remained in the car. The unidentified male accompanying § 87(2)(b) and § 87(2)(b) fled when the officers began to approach. § 87(2)(b) stated that PO Chen was one of two officers who approached him and § 87(2)(b). He stated that he is familiar with PO Chen from the area and PO Chen frequently harasses residents. PO Chen told § 87(2)(b) to, “Shut the fuck up and put your hands behind your back”. § 87(2)(b) § 87(2)(b) complied and asked what he was being arrested for. PO Chen did not respond as he and an uniformed officer began looking on the sidewalk where § 87(2)(b) stood. § 87(2)(b) § 87(2)(b) believed that the officers were looking for something specific but he did not know what. He added that he did not observe PO Chen pick anything up off of the sidewalk. § 87(2)(b) was then placed in the green Chevy and taken away. When questioned about PO Chen placing his hand inside of § 87(2)(b) s pants, § 87(2)(b) stated “I don’t know anything about that...I told you everything that I saw”.

§ 87(2)(b) identified § 87(2)(b) as a witness to this incident. The CCRB contacted § 87(2)(b) regarding obtaining contact information for § 87(2)(b) but § 87(2)(b) failed to respond to the CCRB inquiry. A DMV database searched yielded several pages containing addresses for individuals named “§ 87(2)(b)” in New York City (Enclosures 20A-20M). Because he was unable to be located, and § 87(2)(b)’s failure to provide contact information, § 87(2)(b) was not interviewed during this investigation.

### **Officer Statements**

PO Patrick Brown (Enclosures 7A-7E) and PO Darryl Chen (Enclosures 6A-6D) were interviewed at the CCRB on 4-16-01. § 87(2)(g). On 3-2-01, PO Brown who is black and PO Chen who is white, were assigned to SNEU and worked with PO Salmay and PO Brager. PO Chen was assigned to an observation post while PO Brown, PO Salmay, and PO Brager were assigned to the catch car. PO Chen stated that several observation posts had been set up at various locations prior to the “opening” of a post on § 87(2)(b) and § 87(2)(b) at 3:50 p.m. At § 87(2)(b) and § 87(2)(b) PO Chen observed § 87(2)(b) and § 87(2)(b) engage in a hand to hand transaction. PO Chen radioed his observation to the catch car and included descriptions of § 87(2)(b) and § 87(2)(b). PO Chen received a transmission that § 87(2)(b) had been apprehended but § 87(2)(b) could not be found. PO Chen stated that he had observed § 87(2)(b) enter a beauty salon after interacting with § 87(2)(b) and provided this location to the catch car. After arriving at the beauty salon and searching for § 87(2)(b) with negative results, the catch car picked up PO Chen. PO Chen conducted a canvass of the immediate vicinity with PO Salmay, PO Brager, and PO Brown. He observed § 87(2)(b) standing in front of an apartment building alone. PO Chen, PO Brown, and PO Salmay exited the vehicle and approached § 87(2)(b). PO Chen was in plainclothes while PO Brown was in uniform. PO Brown noted that there was hardly any pedestrian traffic in the area. PO Chen informed § 87(2)(b) that he was being arrested and identified himself as a police officer. § 87(2)(b) wanted to know why he was being arrested and PO Chen did not respond. § 87(2)(b) was unhappy about being arrested and complained that he had not done anything wrong. He placed his hands behind his back and PO Brown handcuffed him. PO Chen frisked § 87(2)(b)’s thigh, waistband and ankle area for weapons. § 87(2)(b) did not have any weapons. PO Chen denied that he placed his hand inside of § 87(2)(b)’s zipper and touched his genitals. PO Brown denied that PO Chen placed his hand inside of § 87(2)(b)’s zipper. PO Chen denied that he cursed at § 87(2)(b). § 87(2)(g). At the 77<sup>th</sup> precinct PO Chen stated that eight bags of crack/cocaine were recovered from § 87(2)(b).

PO Chen stated that he is familiar with § 87(2)(b) who is a drug dealer. He added that although he has only arrested § 87(2)(b) once (3-2-01), he is aware of § 87(2)(b) having been arrested several times for narcotics related offenses in the confines of the 77<sup>th</sup> precinct. PO Chen stated that there is a proliferation of drug sales in the vicinity of § 87(2)(b) and § 87(2)(b).

Although four officers were at the arrest location, PO Brown and PO Chen were the only officers to interact with § 87(2)(b). § 87(2)(g).

### **Police Documents**

The following documents were obtained during this investigation: OLBS Worksheets for § 87(2)(b) (Enclosures 9A) and § 87(2)(b) (Enclosures 14A) which indicated

both men were observed by PO Chen engaging in a hand to hand drug sale. U.S. currency was exchanged for narcotics and both men were charged § 87(2)(a) 160.50 [REDACTED]. The Command Log (Enclosures 18A) indicated that both § 87(2)(b) and § 87(2)(b) were arrested and taken to the 77<sup>th</sup> precinct at 5:30 p.m. Roll Call Tour 2 (Enclosures 19A-19B) verified that PO Chen, PO Brown, PO Brager, and PO Salmay were on duty and assigned to SNEU. The Complaint Report for § 87(2)(b) (Enclosures 15A-15B) indicated that he was also engaged in hand to hand transactions with § 87(2)(b) who was also arrested on 3-2-01. § 87(2)(b)'s Complaint Report (Enclosures 10A-10B) indicates that he also engaged in hand to hand transactions with § 87(2)(b) who was arrested on 3-2-01. The Property Vouchers for § 87(2)(b) (Enclosures 12A) and § 87(2)(b) (Enclosures 17A) indicate that the following items were confiscated: eight bags of crack/cocaine from § 87(2)(b) and § 87(2)(b) one bag of crack/cocaine from § 87(2)(b), and two bags of crack/cocaine from § 87(2)(b).

### **Outcome of Criminal Investigation**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]  
[REDACTED]

### **Conclusions and Recommendations**

#### **Subject Officer Identification**

§ 87(2)(b) stated that he is familiar with PO Chen and PO Brown as officers from the 77<sup>th</sup> precinct. § 87(2)(b), § 87(2)(g) [REDACTED]  
[REDACTED] The criminal case is still pending.

#### **Victim Credibility**

§ 87(2)(g) [REDACTED]  
[REDACTED]  
Furthermore, § 87(2)(b) stated that § 87(2)(b) was also present during his interaction with PO Chen. § 87(2)(g) [REDACTED]  
[REDACTED]. § 87(2)(b) describes PO Chen as an officer who "harasses residents" and has harassed him in the past. § 87(2)(g) [REDACTED]  
[REDACTED]

#### **Officer Credibility**

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED].

Allegation A-B PO Chen spoke rudely to § 87(2)(b) and searched him in front of § 87(2)(b) [REDACTED]

§ 87(2)(b) stated that PO Chen cursed at him at the time of his arrest § 87(2)(g), § 87(2)(b) [REDACTED] § 87(2)(b) failed to provide contact information for witness § 87(2)(b) who was unable to be located and interviewed by the CCRB. § 87(2)(g) [REDACTED]

§ 87(2)(g), § 87(2)(b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: